

REMARKS

Statement of Substance of Interview

As an initial matter, counsel would like to thank the Examiners for the courtesies extended during the interview conducted April 15, 2009.

The Interview Summary mailed April 16, 2009 provides an accurate summary and statement of the substance of the interview with the Examiners.

Response to Office Action Dated February 18, 2009

In the present Amendment, Claim 1 has been amended to recite a delivery system comprising a stent; a catheter shaft; an inner core having a proximal end and a distal end and a length, the stent disposed radially about the distal end of the inner core; an outer core having a proximal end and a distal end and a length, the outer core disposed radially about and affixed to the inner core, wherein the length of the outer core is less than the length of the inner core, the distal end of the outer core engagable with the proximal end of the stent; an operator handle; and a stabiliser component. Section 112 support for the amendment is found, for example, in Fig. 11 of the specification. Claim 40 has been cancelled without prejudice or disclaimer. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, Claims 1, 3, 6, 9-17, 20-22, 24, 25, 36-39, 52-56, 58, 59 and 69-88 are pending, of which Claims 69-88 are withdrawn from consideration.

Claim 40 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

As noted, Claim 40 has been cancelled, rendering this rejection moot.

Claims 1, 3, 6, 24, 25, 52, 53, 58 and 59 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lenker et al (U.S. 6,126,685).

Applicants submit that this rejection should be withdrawn because Lenker et al does not disclose or render obvious the presently claimed delivery system.

Present Claim 1 as amended relates to a delivery system for delivery and deployment of a self expanding stent to a desired vascular location of a patient, the system comprising:

- a stent, the stent having a proximal end and a distal end;

- a catheter shaft having a proximal end and a distal end, the distal end of the shaft defining a reception space for receiving the stent, the stent having a reduced diameter delivery configuration;

- an inner core having a proximal end and a distal end and a length, the stent disposed radially about the distal end of the inner core;

- an outer core, the outer core having a proximal end and a distal end and a length, the outer core disposed radially about and affixed to the inner core, wherein the length of the outer core is less than the length of the inner core, the distal end of the outer core engagable with the proximal end of the stent;

- an operator handle for movement of the catheter shaft relative to the inner core and the outer core to deploy the self expanding stent;

- a stabiliser component having a distal end and a proximal end, the distal end being disposed proximally to the stent;

- the inner core and outer core being fixed to the stabiliser component.

Lenker et al does not teach a catheter assembly including an inner core and an outer core, wherein the outer core has a proximal end and a distal end and a length, the outer core is disposed radially about and affixed to the inner core, the length of the outer core is less than the length of the inner core, and the distal end of the outer core is engagable with the proximal end of the stent.

Further, Lenker et al does not teach a stabiliser component having a distal end and a proximal end, and the distal end is disposed proximally to the stent.

Accordingly, the present claims are not anticipated by Lenker et al. Reconsideration and withdrawal of the §102(b) rejection based on Lenker et al are respectfully requested.

Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenker et al in view of Leschinsky (U.S. 6,306,145).

Claims 12-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenker et al in view of Leschinsky, and in further view of Healy et al (EP 1095634).

Claims 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenker et al in view of Blaeser et al (U.S. 6,168,617).

Claims 36 and 54-55 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenker et al in view of Burns (U.S. 5,032,113).

Claims 37-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenker et al in view Lenker et al (U.S. 5,683,451).

Claim 56 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenker et al in view of Harvey et al (U.S. 4,607,868).

Applicants submit that all the above §103(a) rejections should be withdrawn for at least the same reasons that the rejection of independent Claim 1 based on Lenker et al should be withdrawn, as discussed above. All the secondary references do not make up for the deficiencies of Lenker et al.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/80928

80928

CUSTOMER NUMBER

Date: May 14, 2009


Hui C. Wauters
Registration No. 57,426